

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)	
)	
v.)	No.: 16-cr-10305-NMG
)	
MARTIN GOTTESFELD,)	
)	
Defendant.)	

GOVERNMENT’S RESPONSE
TO DEFENDANT GOTTESFELD’S MOTION FOR LEAVE TO WITHDRAW

The United States of America, by Assistant United States Attorneys David J. D’Addio and Seth B. Kosto, hereby objects to any further extension of Defendant Gottesfeld’s deadline to oppose the government’s “Motion In Limine To Preclude Defendant’s ‘Torture Defense’ Based on Necessity and Defense of Another” (Dkt. No. 116). Attorney Grimaldi remains Gottesfeld’s counsel unless and until leave to withdraw is granted. Whether and how to oppose a motion in limine is a strategic decision entrusted to counsel. *See McCoy v. Louisiana*, 138 S. Ct. 1500, No. 16-8255, Slip op. at 6 (May 14, 2018) (“Trial management is the lawyer’s province: Counsel provides his or her assistance by making decisions such as what arguments to pursue, what evidentiary objections to raise, and what agreements to conclude regarding the admission of evidence.”) (citation and quotation marks omitted). Defendant is aware of the Court’s deadline for filing his opposition. The stated grounds for withdrawal do not appear to relate to the issues raised in the government’s Motion in Limine. Any further extension would unfairly prejudice the government in its preparation for trial. Gottesfeld should oppose the government’s motion by the previously extended deadline imposed by the Court on May 25, 2018, or forgo his opposition.

The government respectfully reserves its right to oppose further in writing, and at a hearing should the Court grant one, the Motion for Leave to Withdraw (Dkt. No. 195).

Respectfully submitted,

Andrew E. Lelling
United States Attorney

By: /s/ David J. D'Addio
David J. D'Addio
Seth B. Kosto
Assistant U.S. Attorneys

CERTIFICATE OF SERVICE

I hereby certify that this document, filed through the ECF system, will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF).

/s/ David J.D'Addio

Dated: June 1, 2018